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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/731,692	12/06/2000	Ayako Suzuki	FUJI 18.088	9316

7590 06/21/2004

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NEW YORK, NY 10118

EXAMINER
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JUNG, MIN

ART UNIT	PAPER NUMBER
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2663

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DATE MAILED: 06/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/731,692

Applicant(s)

SUZUKI, AYAKO

Examiner

Min Jung

Art Unit

2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. Claims 1, 3-6, 8-10, and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, lines 12-13, in claim 3, lines 21-22, in claim 6, lines 12-14, and in claim 8, lines 21-23, It is not clear if the said received frame is transmitted to the transmission source of the responding frame; should "for" be changed to ---to---- to clarify the meaning?

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 2, 7, and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Khansari et al., US 6,446,131 (Khansari).

Khansari discloses Bridges and other Layer-two Devices for Forwarding MAC frames. Specifically, regarding claims 2, Khansari teaches a repeating apparatus of a layer-2 LAN (bridge or other layer-2 devices, Abstract). Khansari teaches that when a received frame is a broadcast frame or a destination-unknown frame (broadcast message and unicast message are taught at col. 3, lines 43-46, the unicast frame having unknown destination is taught at col. 1, lines 56-59, and at col. 7, lines 29-33), storing the received frame thereof (entries in the filtering database, col. 6, lines 12-15, col. 6, lines 53-59, and col. 7, lines 39-43); and when receiving the frame the same as the received frame within a predetermined time from the storage of the received frame, discarding the received same frame (col. 6, lines 21-31, and lines 60-64, the received same frame is discarded only within the specific time period described at lines 21-31 because after that time period, the entry is removed from the database according to the aging parameter).

Regarding the storing part and the discarding part recited in claim 7, Khansari teaches all the recited functions as addressed above. In addition, at col. 5, line 63 – col. 6, line 11, Khansari teaches that a bridge includes a processor based controller 50 and memory 52. The memory 52 includes a program 54 which instructs the controller 50 to perform the (summarized) functions of relay and filtering of frames, and maintenance of

the information required to make frame filtering and relaying decisions, thereby teaching the storing part and the discarding part.

Regarding claim 11, Khansari teaches the timer part measuring a time for which said storing part stores the received frame, for, when the predetermined time has elapsed, the discarding part to discard the received frame. See col. 6, lines 21-31.

### ***Allowable Subject Matter***

4. Claims 1, 3-6, 8-10, and 12 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

5. The following is a statement of reasons for the indication of allowable subject matter: Prior art fail to teach or fairly suggest, in a repeating apparatus of a layer 2 LAN, upon receiving a destination unknown frame, generating and broadcasting a frame for path detection having a shortest data length using a destination address of the received frame and address of the own address; and upon receiving a responding frame returned from a repeating apparatus having found the destination for the frame for path detection, transmitting the received frame to a transmission source of the responding frame.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Sugiyama patent, the DeSouza et al. patent, the Kalkunte et

al. patent, the Yang et al. patent, the Fiammante patent, the Carter et al. patent, and the Nishimura et al. patent are cited for further references.


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Min Jung whose telephone number is 703-305-4363.

The examiner can normally be reached on Monday-Friday, 7AM-3PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 703-308-5340. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJ  
June 14, 2004

  
Min Jung  
Primary Examiner